

IC 1-1-5

Chapter 5. Effect of Repeal or Expiration; Reservation of Legislative Authority

IC 1-1-5-1

Revival; release or extinguishment

Sec. 1. Whenever a statute is repealed which repealed a former statute, the former statute shall not thereby be revived unless it shall be so expressly provided. And the repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the repealing statute shall so expressly provide; and such statute shall be treated as still remaining in force for the purposes of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.

(Formerly: Acts 1877(ss), c.36, s.1.) As amended by P.L.2-1988, SEC.1.

IC 1-1-5-2

Right of general assembly to amend or repeal law; waiver

Sec. 2. Each general law of the state is enacted subject to the right of the general assembly to amend or repeal that law at any time, unless the general assembly waives this right in that law. Except as provided in:

(1) IC 5-1-14-9; or

(2) any other law containing a covenant that the general assembly will not amend or repeal that law;

the general assembly may not be construed to have waived its right to amend or repeal any general law at any time.

As added by P.L.19-1986, SEC.40. Amended by P.L.2-1989, SEC.1.

IC 1-1-5-3

Special acts incorporating corporations

Sec. 3. The repeal or expiration of a special act incorporating a corporation has no effect on the subsequent reorganization of the corporation under a general statute.

As added by P.L.1-1989, SEC.3. Amended by P.L.16-2009, SEC.1.

IC 1-1-5-4

Legalizing or validating statutes

Sec. 4. The repeal or expiration of a legalizing or validating statute or part of a statute does not affect the legalization or validation.

As added by P.L.1-1989, SEC.4. Amended by P.L.16-2009, SEC.2.

IC 1-1-5-5

Statutes authorizing transfer, conveyance, or acceptance of property, powers, duties, and liabilities, or rules by governmental entities; cession or retrocession of jurisdiction over property between state and United States

Sec. 5. (a) This section applies to the repeal or expiration of a statute or part of a statute authorizing either of the following:

(1) The transfer, conveyance, or acceptance of:

- (A) property;
- (B) powers, duties, and liabilities; or
- (C) rules adopted under IC 4-22-2;

by a governmental entity.

(2) Cession or retrocession of jurisdiction over property between the state and the United States.

(b) The repeal or expiration does not affect the validity of the transfer, conveyance, or acceptance of:

- (1) property;
- (2) powers, duties, and liabilities; or
- (3) rules;

occurring before the effectiveness of the repeal or the date of the expiration.

(c) The repeal or expiration does not affect the validity of the cession or retrocession of jurisdiction over property between the state and the United States.

As added by P.L.1-1989, SEC.5. Amended by P.L.7-1993, SEC.1; P.L.16-2009, SEC.3.

IC 1-1-5-6

Expired statutes

Sec. 6. (a) This section applies to the repeal of a statute or part of a statute that has expired.

(b) The repeal does not affect the validity of an action taken under the statute or part of the statute before its expiration.

As added by P.L.1-1989, SEC.6.

IC 1-1-5-7

Statutes nullifying actions

Sec. 7. Whenever a statute that nullified an action:

- (1) is repealed; or
- (2) expires;

the action is not approved or ratified unless the approval or ratification is expressly provided in the statute.

As added by P.L.1-1989, SEC.7. Amended by P.L.16-2009, SEC.4.

IC 1-1-5-8

Revival of rule voided by statute subsequently repealed or expired

Sec. 8. Whenever a statute that voided a rule:

- (1) is repealed; or
- (2) expires;

the rule is not revived unless the statute expressly provides for the revival.

As added by P.L.1-1989, SEC.8. Amended by P.L.16-2009, SEC.5.

IC 1-1-5-9

Statutes setting forth effective date of a statute

Sec. 9. The repeal or expiration of a statute or part of a statute that:

(1) sets forth the effective date of a statute or part of a statute; and

(2) is repealed or expires after the statute or part of a statute has taken effect;

has no effect on the effective date of the statute.

As added by P.L.1-1989, SEC.9. Amended by P.L.16-2009, SEC.6.

IC 1-1-5-10

Expiration of statute has same effect as repeal

Sec. 10. The expiration of a statute has the same effect that the repeal of the statute, effective on the date of the expiration of the statute, would have had.

As added by P.L.16-2009, SEC.7.